



Bhutan

Country Reports on Human Rights Practices - [2003](#)

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Bhutan is a hereditary monarchy. King Jigme Singye Wangchuck governs with the support of a National Assembly, a Cabinet, a Council of Ministers (the Royal Advisory Council), and the Monastic Body, a 3,500-member body that is headed by 4 representatives with the consent of the King. There is no written constitution to protect fundamental political and human rights; however, during the year a draft constitution was debated by the National Assembly. In recent years, the Government has adopted some measures to increase the power of the National Assembly. Citizens voted for 105 out of the 150 representatives in the National Assembly in 2002. Since ascending to the throne in 1972, the King has continued the efforts toward social and political modernization begun by his father. The judiciary is not independent of the King, but it is overseen by the National Judicial Commission.

The Royal Bhutan Police, assisted by the Royal Bhutan Army (including those assigned to the Royal Body Guard), and a national militia maintain internal security. Some members of the security forces were responsible on occasion for some human rights abuses.

The economy was predominantly government-controlled. It was based on agriculture and forestry, which provided the main livelihood for 80 percent of the population and account for approximately half of the gross domestic product (GDP); the population was approximately 700,000. Hydroelectric power production and tourism are key resources, although the Government limits tourism. Tourism is limited by a requirement that tourists pay fixed, all inclusive prices, which cover lodging, food, transportation, and sightseeing before visiting the country. The Government claimed this policy to restrict tourists is intended to preserve the country's infrastructure and limited resources. Visas are required of all persons other than Indian nationals. Unemployment for the population is a problem. Income distribution remained unequal, with approximately 10 percent of the population receiving about 70 percent of the national income.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The King exercised strong, active, and direct power over the Government. The Government prohibits political parties, and none operate legally. Unlike in previous years, there were no reports of arbitrary arrest, or detention. Judges serve at the King's pleasure; however, a National Judicial Commission was established during the year to review judicial reform and process appointments to the bench. The authorities infringed on citizens' privacy rights. The Government repeatedly restricted freedom of speech, press, assembly, and association. Freedom of religion is limited. NGOs and human rights organizations are illegal. Approximately three-fourths of population was composed of Buddhists with cultural traditions akin to those of Tibet. The remaining one-fourth of the population, ethnic Nepalese, most of whom are Hindus, live primarily in the country's southern districts. Government policies in the late 1980s and early 1990s caused approximately 100,000 ethnic Nepalese to leave, sometimes forcibly. Many went to refugee camps in Nepal, where they remained. A significant refugee problem persisted.

According to the U.N. High Commissioner for Refugees (UNHCR), over 100,000 ethnic Nepalese refugees from Bhutan have been living in 7 camps in southeastern Nepal since the early 1990s; upwards of 15,000 reside outside of the camps in the Indian states of Assam and West Bengal. The Government maintained that some of those in the camps never were citizens, and therefore have no right to return and that others had "voluntarily emigrated" and forfeited their citizenship. The Government continued its negotiation with the Government of Nepal on repatriation of ethnic Nepalese in the refugee camps. Refugee verification began in March 2001 at the Khudunabari camp and by December 2001, all the residents had been interviewed. In June, the Joint Verification Team (JVT) released the verification results for the Khudunabari camp as follows: 2.4 percent of the total camp population were identified as eligible Bhutanese citizens, with the absolute right of return, 70.55 percent were "voluntary migrants," and would have to apply for citizenship in Bhutan if they chose to return, 24.2 percent were

found to be "non-nationals" and could not return, and 2 percent were found to be criminals and would have to face charges if they returned to the country. The next Ministerial Joint Committee meeting is expected to occur in 2004. The Government restricted worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances. There were incidents of women and girls being kidnaped by terrorist groups for the purposes of rape and servitude during the year (see Sections 5, 6.c., and 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The laws proscribe torture and abuse in general; however, there were reports that the security forces ignored these provisions in the past.

Prison conditions reportedly were spartan. Visits by the International Committee of the Red Cross (ICRC) and the opening of a prison in Thimphu contributed to improving conditions of detention.

The Government and the ICRC signed the 5-year Memorandum of Understanding in 1998, and during the year, extended the ICRC prison visits program for 1 more year. The ICRC conducted two prison visits during the year, and was allowed unhindered access.

d. Arbitrary Arrest, Detention, or Exile

Under the law, police may not arrest a person without a warrant and must bring an arrested person before a court within 24 hours, exclusive of travel time from place of arrest. However, arbitrary arrest and detention remained problems.

Legal protections were incomplete, due to the lack of a fully developed criminal procedure code and to deficiencies in police training and practice. The initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members helped to alleviate reports of incommunicado detention of prisoners. Of those detained in connection with political dissidence and violence in southern areas in 1991-92, 70 continued to serve sentences after conviction by the High Court, according to the ICRC. Reports indicated that six or seven of those detained in 1991-92 were released during the year.

In 2001, security forces arrested Damber Singh Pulami, reportedly a member of the Youth Organization of Bhutan (the youth wing of the banned Bhutan People's Party) who had entered the country from his refugee camp in Nepal to check on the internal resettlement of non-Nepalese to the south. In May 2001, Pulami was arrested and charged in connection with extortion, kidnapping, murder and subversive activities. At year's end, Non Governmental Organization (NGOs) reported that Pulami was in prison.

There were no new developments in the case of Rongthong Kunley Dorji, leader of the Druk National Congress and United Front for Democracy in Bhutan, who was arrested in India in 1997, following the issuance of an extradition request by Bhutanese authorities. Dorji's extradition case was pending in the Indian courts at year's end.

Human rights groups alleged that arrest and abuse of refugees returning to the country without authorization continued to occur but went unreported by the Government.

The law neither provides for nor prohibits forced exile. Although the Government officially does not use formal exile, many political dissidents freed under government amnesties stated that they were released on the condition that they depart the country, but the Government denied this. Many of them subsequently registered at refugee camps in Nepal and some relocated to India.

e. Denial of Fair Public Trial

There is no written constitution and while the judiciary is overseen by the National Judicial Commission, is not independent of the King. The King commanded a 39-member committee to draft a constitution in 2001, intended to establish a constitutional monarchy (see Section 3). During the year, the constitution was considered and debated by the National Assembly. The judicial system consists of three branches, the Sub-Divisional Court, the District Court, and a High Court. Only the King can pardon or commute a sentence. Judges were appointed by the King on the recommendation of the Chief Justice and may be removed by the King. There is no uniform system of qualifications for judicial appointments.

The Office of Legal Affairs (OLA) conducted state prosecutions, drafted and reviewed legislation, and rendered legal counsel. The OLA is composed of a Legal Services Division (which eventually was to become the Ministry of Law and Justice) with domestic, international, and human rights sections; and a Prosecution Division, with a criminal section and a civil section.

Citizens generally had the right to a fair trial. Criminal cases and a variety of civil matters were adjudicated under a legal code established in the 17th century, revised in 1958 and 1965, and codified in 2001. State-appointed prosecutors filed charges and prosecuted cases for offenses against the State. In other cases, the relevant organizations and departments of government filed charges and conducted the prosecution. Defendants have the right to be presented with written charges in languages that they understood, and be given time to prepare their own defense. However, according to some political dissidents, this practice was not always respected. There were reports that defendants received legal representation at trial, and that they could choose from a list of 165 government-licensed and employed advocates to assist with their defense; however, it was not known how many defendants actually received such assistance. Village headmen, who had the power to arbitrate disputes, constitute the bottom rung of the judicial system. Twenty-three new lawyers completed their overseas training and reportedly may have returned to the country during the year. Magistrates, each with responsibility for a block of villages, could review their decisions. Magistrates' decisions can be appealed to district judges, of which there was one for each of the country's 20 districts. The High Court in Thimphu is the country's Supreme Court.

Defendants have the right to appeal to the High Court and may make a final appeal to the King, who traditionally delegated the decision to the Royal Advisory Council. Trials were supposed to be conducted in open hearings, except for family law and cases involving juveniles. Courts decisions were not published and public access to the country's laws was limited. The National Library houses the legal codes in the national language, but other copies or volumes were not available to the public. There was a legal requirement that citizens pay for their own legal counsel; however, many citizens were unable to afford representation and thus in practice did not receive legal assistance in court.

Questions of family law, such as marriage, divorce, and adoption, traditionally are resolved according to a citizen's religion: Buddhist tradition for the majority of the population and Hindu tradition for the ethnic Nepalese.

Some or all of the approximately 70 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991-92, may be political prisoners (see Section 1.e.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The laws do not provide for these rights. According to human rights groups, police regularly conducted house-to-house searches for suspected dissidents without explanation or legal justification. The Government requires all citizens, including minorities, to wear the traditional dress of the Buddhist majority in all public places, and strictly enforced this law for visits to Buddhist religious buildings, monasteries, or government offices; in schools, and when attending official functions and public ceremonies; however, some citizens commented that enforcement of this law was arbitrary and sporadic (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government restricted freedom of speech, and to a lesser extent freedom of the press. The country's only regular publication is Kuensel, a weekly newspaper with a circulation of 15,000. It also reports stories on a daily basis through its on-line edition. Kuensel was formerly government-run, and human rights groups have stated that government ministries reviewed editorial material and suppressed or changed content. According to the Government, Kuensel was independent and was funded entirely through advertising and subscription revenue. Its

board consists of senior civil servants and private individuals. Kuensel was published in English, Dzongkha, and Nepali languages, and it supported the Government but did occasionally report criticism of the King and of government policies in the National Assembly. Unlike in the previous year, there were no reports that journalists who worked for Kuensel were subjected to threats and harassment by the ministers. The Government maintained that there were no restrictions on individuals starting new publications, but that the market was too small to support any. Foreign newspapers and magazines were available, but readership was in the hundreds and primarily limited to government officials.

The Government allowed television broadcasts of locally produced and foreign programs. There were 50 cable providers in the country with more than 15,000 subscribers. A large variety of programming was available, including CNN and BBC. The Government did not censor cable content. The radio station is government owned.

The Government did not restrict use of the Internet; however, the Government did regulate all "pornographic" material.

In May, the Royal Bhutan University opened in Thimphu and was comprised of 10 colleges. There was little information on academic freedom throughout the country.

b. Freedom of Peaceful Assembly and Association

The law does not provide for freedoms of assembly and association, and the Government restricted these rights in practice. Citizens may engage in peaceful assembly and association only for purposes approved by the Government. NGOs and political parties were illegal under the law. Although the Government allowed civic and business organizations, there were no legally recognized political parties. The Government regarded parties organized by ethnic Nepalese exiles--the Bhutan People's Party (BPP), the Bhutan National Democratic Party, and the Druk National Congress--as "terrorist and antinational" organizations and declared them illegal. These parties, which seek the repatriation of refugees and democratic reform, did not conduct activities inside the country.

c. Freedom of Religion

The law provides for freedom of religion; however, the Government restricted this right in practice and Buddhism was the state religion. Approximately two-thirds of the population practiced either Drukpa Kagyupa or Nyingmapa Buddhism.

The Government subsidized monasteries and shrines of the Drukpa sect and provided aid to approximately one-third of the Kingdom's 12,000 monks. The Government also provided financial assistance for the construction of Drukpa Kagyupa and Nyingmapa Buddhist temples and shrines. NGOs reported that permission from the Government to build a Hindu temple was required but rarely granted. There were no Hindu temples in Thimphu, despite the migration of many ethnic Nepalese to Thimphu. Citizens of other faiths, mostly Hindus, enjoyed freedom of worship. Followers of religions other than Buddhism and Hinduism generally were free to worship in private homes but may not erect religious buildings or congregate in public. Proselytization is illegal, and dissidents living outside the country claim that the Government prohibits conversions. The Government denied the dissidents' claims, and asserted that any citizen is free to practice openly any religion.

The King has declared major Hindu festivals as national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize, but international Christian relief organizations and Jesuit priests were active in education and humanitarian activities. The Government restricted the import into the country of printed religious matter; only Buddhist religious texts may be imported. According to dissidents living outside of the country, only Buddhist religious teaching was permitted in the schools. Applicants for government services sometimes were asked their religion before services were rendered. All government civil servants were required to take an oath of allegiance to the King, the country, and the people. The oath does not have religious content, but was administered by a Buddhist lama (see Section 5).

For a more detailed discussion see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27945pf.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law does not provide for these rights, and the Government placed some limits on them in practice. Citizens traveling in border regions were required to show their citizenship identity cards at immigration check points, which in some cases were located at a considerable distance from what is in effect an open border with India. By treaty,

citizens may reside and work in India. In addition, ethnic Nepalese say they were frequently denied security clearance forms, which is a prerequisite for obtaining a passport form and which was biased against ethnic Nepalese. The ethnic Nepalese said that since the forms are based on the security clearance of their parents, it frequently excluded children of ethnic Nepalese.

The country was not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol (see Section 5). The Government stated that it recognizes the right to asylum in accordance with international refugee law; however, the Government has not formulated a policy regarding refugees, asylees, first asylum, or the return of refugees to countries in which they fear persecution. The issue of provision of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The country is a monarchy with sovereign power vested in the King. However, during 2001 a draft constitution was written which was debated in the National Assembly during the year. The drafting committee was chaired by the Chief Justice of the High Court and was, according to the Government, composed of representatives of the Monastic body, the people, the judiciary, and the Royal Government.

In August, the National Assembly elected a new Council of Ministers to a 5-year term. In 2001, the National Assembly elected 10 Royal Advisory Councilors. In August, the National Assembly included 4 Ministers for a total of 10. There were elected or partially elected representatives at the local, district, and national levels, and the Government claimed to encourage decentralization and citizen participation. These elections were conducted in much the same way as National Assembly elections. The National Assembly has the power to remove ministers whom the King appoints, but it never has done so. Political authority ultimately resided in the King, and decision-making involves only a small number of officials. Officials subject to questioning by the National Assembly routinely made major decisions, but the National Assembly was not known to have overturned any decisions reached by the King and government officials.

Political parties do not exist legally. The Government has banned parties established abroad by ethnic Nepalese, Sarchops, or Eastern Bhutanese (see Section 2.b.).

The National Assembly had 150 members. Of these, 105 were elected by citizens, 10 were selected by a part of the Buddhist clergy, and the remaining 35 were appointed by the King to represent the Government. The National Assembly, which met irregularly, had little independent authority. However, there were efforts underway to have the National Assembly meet on a more regular basis, and in recent years the King and the Council of Ministers have been more responsive to the National Assembly's concerns. The procedures for the nomination and election of National Assembly members state that in order to be eligible for nomination as a candidate, a person must be a citizen; be at least 25 years of age; not be married to a foreign national; not have been terminated or compulsorily retired for misconduct from government service; not have committed any act of treason against the King, the populace, and country; have no criminal record or any criminal case pending against him; have respect for the nation's laws; and be able to read and write in Dzongkha.

Each National Assembly constituency consists of a number of villages. Each village was permitted to nominate one candidate but must do so by consensus. There was no provision for self-nomination, and the law states that no person may campaign for the candidacy or canvass through other means. If more than one village within a constituency puts forward a candidate, the district development committee conducts an election, and the candidate obtaining a simple majority of votes cast was declared the winner. The law allows individuals over the age of 18 the right to vote. The law does not make clear how a candidate is selected if none achieves a simple majority. However, it does state that in case of a tie among the candidates in the election, selection shall be made through the drawing of lots. The candidate whose name is drawn shall be deemed to be elected.

Human rights activists claimed that the only time individual citizens have any involvement in choosing a National Assembly representative was when they were asked for consensus approval of a village candidate by the village headman. The name, put to villagers for consensus approval by the headman, is suggested by district officials, who in turn take their direction from the central Government. Consensus approval took place at a public gathering. Human rights activists stated that there was no secret ballot.

The National Assembly enacted laws, approved senior government appointments, and advised the King on matters

of national importance. Voting was by secret ballot, with a simple majority needed to pass a measure. The King may not formally veto legislation, but may return bills for further consideration. In general, the King had enough influence to persuade the Assembly to approve legislation that he considered essential or to withdraw proposals he opposed. The Assembly may question government officials and force them to resign by a two-thirds vote of no confidence; however, the National Assembly never has compelled any government official to resign.

All cabinet ministers are nominated by the King and are elected by the National Assembly. Ministers terms are limited to 5 years, after which they must pass a vote of confidence in the National Assembly in order to remain in office. The National Assembly, by a two-thirds vote of no confidence, can require the King to abdicate and to be replaced by the next person in the line of succession. The King removed himself as chairman of the Council of Ministers in 1998. Cabinet Ministers who receive the most votes rotate the position on a yearly basis. The chairman of the Council of Ministers serves as Prime Minister and head of government. At year's end, Home Minister Jigme Thinley served as Chairman and Prime Minister.

The Monastic Body, comprised of 3,500 monks, was financed by an annual government grant and was the sole arbiter on religious matters in the country. The body also played an advisory role in the National Assembly, the Royal Advisory Council, and with the King. The King almost consistently deferred to the body's pronouncements on religious matters and many decisions affecting the state.

There were 15 women in the National Assembly. There were 2 women in the High Court, 23 percent of civil service employees were women, and women held more than 30 percent of positions at the Ministry of Foreign Affairs.

There were 105 elected people's representatives in the National Assembly. All major ethnic groups were represented in the National Assembly, including 14 ethnic Nepalese. However, NGOs complained of the disproportionate representation of ethnic Nepalese.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no legal human rights NGOs in the country. The Government regarded human rights groups established by ethnic Nepalese exiles--the Human Rights Organization of Bhutan, the People's Forum for Human Rights in Bhutan, and the Association of Human Rights Activists-Bhutan--as political organizations and did not permit them to operate in the country.

ICRC representatives conducted a biannual prison visit, and the Government allowed them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law does not prohibit discrimination on the basis of race, sex, disability, language, or social status. In the past, the Government committed many abuses against the ethnic Nepalese, which led to the departure of 100,000 of them. At the time, the Government claimed that it was concerned about the rapid population growth of and political agitation by the ethnic Nepalese. The Government claimed that ethnic and gender discrimination in employment was not a problem. It claimed that ethnic Nepalese filled 16 percent the civic service or government employment, which was less than their proportion of the total population. Bhutanese human rights groups active outside the country claimed that ethnic Nepalese actually make up approximately one-third of the country's population, and that the Government underreported their number.

Women

The law does not specifically prohibit domestic violence against women; however, such crimes are generally covered by the provisions of criminal law. There was no evidence that rape or spousal abuse were extensive problems. However, NGOs reported that many women did not report rape either because of the cultural issues or because they were unaware of the legal options.

The Rape Act contained a clear definition of criminal sexual assault and specified penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life. There were few reported instances of sexual harassment.

Women were accorded respect in the traditions of most ethnic groups. Women participated freely in the social and

economic life of the country. Approximately 43 percent of enrollment in school was female. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be observed if the heirs choose to forego legal challenges. Dowries were not customary, even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters reportedly accounted for the large numbers of women who owned shops and businesses and for an accompanying tendency of women to drop out of higher education to go into business. However, female school enrollment has been growing in response to government policies. Women in unskilled jobs generally were paid slightly less than men. Women constituted approximately 30 percent of the formal work force.

In questions related to family law, including divorce, child custody, and inheritance disputes, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women was 18 years. The application of different legal practices based on membership in a religious or ethnic group often resulted in discrimination against women. Polygamy is allowed, provided the first wife gives her permission. Polyandry is permitted but did not often occur. Marriages may be arranged by the marriage partners themselves as well as by their parents. Divorce was common. The law requires that all marriages must be registered; it also favors women in matters of alimony.

The National Women's Association of Bhutan has been active since 1981 and has tried to encourage women to improve improve their living standards and socio-economic status.

Children

The Government demonstrated its commitment to child welfare by rapid expansion of primary schools, healthcare facilities, and immunization programs. For example, the King established the Youth Development Fund in 1998 to provide assistance for ongoing and new youth activities and programs. The Government provided free and compulsory primary school education, and primary school enrollment increased 9 percent per year since 1991, with enrollment of girls increasing at an even higher rate. In 2001, the participation rate for children in primary schools was estimated at 72 percent, with the rate of completion of 7 years of schooling at 60 percent for girls and at 59 percent for boys. There is no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese that were closed in 1990 remained closed. The closure of the schools acted as an effective barrier to the ability of the ethnic Nepalese in southern areas to obtain a primary education. Exile groups claimed that Nepalese students scoring highly on national exams were not always given the same advantages as other students (such as the chance to study abroad at government expense), particularly if they were related to prominent dissidents or refugees.

Persons with Disabilities

The law does not specifically protect the rights of the country's persons with disabilities nor mandate access to building; however, there was no evidence of official discrimination toward persons with disabilities.

National/Racial/Ethnic Minorities

In the late 1980s, concern over the increase in the population of and political agitation among ethnic Nepalese prompted aggressive government efforts to assert a national culture, to tighten control over southern regions, to control illegal immigration, to expel ethnic Nepalese, and to promote national integration.

Discriminatory measures continued during the year. Measures include a requirement that a security clearance be obtained for jobs and promotions in government service and to obtain passports. The law also requires that the national dress be worn for official occasions and as a school uniform, the teaching of Dzongkha as a second language in all schools, and an end to instruction in Nepali as a second language.

During the mid- and late-1980s, citizenship became a highly contentious matter. Requirements for citizenship first were formalized in the Citizenship Law of 1958, which resulted in the denaturalization of many ethnic Nepalese. The 1985 law required that both parents be citizens in order to confer citizenship on a child, and that persons seeking to prove citizenship through their own or their parents' residency in 1958 be able to prove residency in the country at that time. In many cases, persons were unable to produce the documentation necessary, such as land tax receipts from 1958, to show residency. The law permits residents who lost citizenship under the 1985 law to apply for naturalization if they can prove residence during the 15 years prior to that time. The Government declared all residents who could not meet the new citizenship requirements to be illegal immigrants. Beginning in 1988, the Government expelled large numbers of ethnic Nepalese through enforcement of the new citizenship laws.

The Citizenship Act provided for the revocation of the citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the King, country, and people of Bhutan." The Home Ministry later declared in a circular that any nationals leaving the country to assist "antinationals," and the families of such persons, would forfeit their citizenship. Human rights groups alleged that these provisions were used widely to revoke the citizenship of ethnic Nepalese who subsequently were expelled from or otherwise departed the country. In response to the perceived repression, ethnic Nepalese protested, sometimes violently. The protests were led by the BPP, which advocated full citizenship rights for ethnic Nepalese and democratic reforms. Characterizing the BPP as a "terrorist" movement backed by Indian sympathizers, the authorities cracked down on its activities and ordered the closure of local Nepalese schools, clinics, and development programs after several were raided or bombed. There were credible reports that many ethnic Nepalese activists were beaten and tortured while in custody, and that security forces committed acts of rape. There were credible reports that during the late 1980s and early 1990s, militants, including BPP members, attacked and killed census officers and other officials, and engaged in bombings.

Local officials reportedly took advantage of the climate of repression to coerce ethnic Nepalese to sell their land below its fair value and to emigrate, while others abandoned their land in fear. Beginning in 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and to take refuge in Nepal. According to the UNHCR, there were 100,000 ethnic Nepalese refugees in 7 refugee camps in eastern Nepal as of December. An additional 15,000 refugees, according to the UNHCR estimates, were living outside the camps in Nepal and India.

Ethnic Nepalese political groups in exile complained that the revision of the country's citizenship laws denaturalized and forced into exile tens of thousands of former residents of the country. They claimed that many ethnic Nepalese whose families have been in the country for generations were expelled because they were unable to document their claims to residence. The Government denied this and asserted that a three-member village committee may certify in writing that a resident is a citizen in cases where documents cannot be produced.

Since 1994, there have been a series of negotiations between Nepal and Bhutan to resolve the Bhutanese refugee problem. The Government continued its negotiation with the Government of Nepal on repatriation of ethnic Nepalese in the refugee camps. Refugee verification began in March 2001 at the Khudunabari camp and by December 2001, all the residents had been interviewed. In June, the JVT released the verification results for the Khudunabari camp as follows: 2.4 percent were identified as genuine Bhutanese, with the absolute right of return, 70.55 percent were "voluntary migrants," and would have to apply for citizenship in Bhutan if they chose to return, 24.2 percent were found to be "non-nationals" and could not return, and 2.85 percent were found to be criminals and would have to face charges if they returned to Bhutan.

The country continued its negotiations on repatriation with Nepal, but refugee groups were concerned that at the present rate, verification would take several years. The 15th round of Nepal-Bhutan Ministerial Joint Committee (MJC) Meeting scheduled for September was cancelled, and the countries' delegates met on the sidelines of the U.N. General Assembly Session in September to discuss the refugee problem. The next MJC Meeting is expected to be held in 2004.

The UNHCR monitored the conditions of the Bhutanese refugees in camps in eastern Nepal and provided for their basic needs. However, in 2002, there were reports by refugee women and children that some of the Bhutanese refugee workers at the camps had committed sexual assault. The UNHCR responded by conducting an investigation and the Government of Nepal provided more police protection to the camps. In September, Human Rights Watch released a report titled "Trapped by Inequality: Bhutanese Refugee Women in Nepal" which examined the response of the UNHCR and the Government of Nepal to rape, domestic violence, sexual and physical assault, and trafficking of girls and women from refugee camps. The report said that Nepal's system of refugee registration discriminated against women by distributing rations through male heads of households. Further, the report noted that 35 refugee women and girls were missing from the camps.

The Government contended that many of the documents presented by refugees in the camps were fraudulent. NGOs claimed that these assertions by the Government represented an attempt to eliminate the majority of the refugees from qualifying as citizens.

In 1998, the Government expanded its program of resettling Buddhist Bhutanese from other regions of the country on land in the southern part of the country vacated by the ethnic Nepalese living in refugee camps in Nepal. Human rights groups maintained that this action prejudiced any eventual outcome of negotiations over the return of the refugees to the country. The Government maintained that citizens who are ethnic Nepalese from the south sometimes were resettled on more fertile land in other parts of the country. The failure of the Government to permit the return of ethnic Nepalese refugees has tended to reinforce societal prejudices against this group, as has the Government's policy on the forced retirement of refugee family members in government service and the

resettlement of Buddhists on land vacated by expelled ethnic Nepalese in the south.

Section 6 Worker Rights

a. The Right of Association

The law does not allow workers to form or join unions and there were no labor unions. The Government maintained that, with very little industrialization, there was little labor to be organized. The total labor force was approximately 412,000 persons, and 279,000 worked in rural areas. During the year, a Ministry of Labor was established to analyze the country's labor situation and to provide vocational training.

b. The Right to Organize and Bargain Collectively

The law does not authorize collective bargaining or the right to strike, and the Government was not a member of the International Labor Organization (ILO). Industry accounted for approximately 25 percent of the GDP, but employed only a minute fraction of the total work force. The country lacked a large pool of ready labor; for major projects, such as road works, the Government brought in hired laborers from India.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Government prohibits forced or bonded labor and there were no reports that such practices occurred. However, mandatory national service was practiced. Agricultural workers were required to work in state service for 15 days per year. NGOs stated that this practice was administered selectively. For instance, NGOs believe the practice often selected poor agricultural workers at the height of their harvesting season. There was no evidence to suggest that domestic workers were subjected to coerced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment

There is no minimum age for employment; however, the minimum age of 18 was established "in all matters of the state." Children often do agricultural work and chores on family farms. The law does not specifically prohibit forced and bonded labor by children, but there were no reports that such practices occurred. The country has not ratified ILO Convention 182 on the worst forms of child labor; however, as a state party to the U.N. Convention on the Rights of the Child, the Government supported the provisions contained therein.

e. Acceptable Conditions of Work

A circular that went into effect in 1994 established wage rates, rules and regulations for labor recruiting agencies, and the regulations for payment of worker's compensation. Wage rates were revised periodically, and range upward from a minimum of roughly \$2.50 (100 ngultrums) per day plus various allowances paid in cash or kind. This minimum wage provided a decent standard of living for a worker and family. The workday was defined as 8 hours with a 1-hour lunch break; regular days of leisure must be granted by employers. Work in excess of this must be paid at one and one-half times normal rates.

The largest salaried work force was the government service, which has an administered wage structure last revised in 1988 but supplemented by special allowances and increases. The last such increase was in 1999. Civil Service regulations require equal pay for equal work for men and women. According to the latest Census of Manufacturing Industries, only 38 industrial establishments employed more than 50 workers. The Government favored family-owned farms. Land laws prohibits a farmer from selling his or her last 5 acres and requires the sale of holdings in excess of 25 acres. This, along with the country's rugged geography, resulted in a predominantly self-employed agricultural workforce. Workers are entitled to free medical care within the country. Persons who could not receive adequate care within the country were flown to other countries (usually India) for treatment. Workers are eligible for compensation for partial or total disability, and in the event of death their families are entitled to compensation. Existing labor regulations do not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were

trafficked to, from, or within the country.